(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

MISCELLANEOUS CIVIL APPLICATION NO. 92 OF 2004
IN WRIT PETITION NO. 540 OF 2003

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri Y. V. Nadkarni, advocate for the applicant.

Shri F. M. Reis with Shri C.S. D'Silva, advocate for the respondents.

Shri H. R. Bharne, Government Advocate for the State.

CORAM : D. G. KARNIK, J.

DATE : 18th March, 2004

P.C.:

Heard learned counsel for the parties. The Writ Petition has been admitted subject to the condition that the petitioner deposits an amount of Rs.1,96,000/- in the Court which is the amount allegedly due to the respondent no.1, who is the applicant in this application. Accordingly, the money has been deposited. The applicant has made this application for withdrawal of the money. Learned counsel for the applicant submits that the applicant is willing to give a Bank Guarantee

for refund of the amount with interest. Respondent nos. 2, 3, and 4 have no objection for permitting the withdrawal. The petitioner, who has objected, would be sufficiently secured if the applicant gives a Bank Guarantee for repayment of the amount with interest.

In the circumstances, the application is allowed. The applicant who is respondent no.1 in the Writ Petition, is permitted to withdraw the amount deposited in the Court, subject to his furnishing Bank Guarantee of a Nationalized Bank guaranteeing repayment of Rs.1,96,000/- together with interest at the rate of 9% per annum from this date till the date of payment in the Court. The Bank Guarantee must be unconditional. Draft of the guarantee to be settled by the Registrar.

Civil Application disposed of.

D. G. KARNIK, J.